

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

)
) MDL No. 1456
)

) Civil Action No. 01-CV-12257 PBS
)

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

) Judge Patti B. Saris
) Chief Magistrate Judge Marianne B. Bowler
)

**[PROPOSED] ORDER CERTIFYING THE COURT'S NOVEMBER 2, 2006 ORDER
FOR APPEAL PURSUANT TO 28 U.S.C. § 1292(b)**

This matter is before the Court on the BMS Defendants' Motion for Reconsideration or, in the Alternative, for an Order Certifying the Court's Order of November 2, 2006, for Appeal Pursuant to 28 U.S.C. § 1292(b). The Court, having considered all submissions in support and opposition thereto, hereby orders as follows:

The Court's Memorandum and Order of November 2, 2006 involves a controlling question of law as to which there is substantial ground for difference of opinion. An immediate appeal from the Order may materially advance the ultimate termination of the litigation. The Court accordingly certifies its November 2, 2006 Memorandum and Order for immediate appeal pursuant to 28 U.S.C. § 1292(b).

IT IS SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Court Judge